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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,394

11/16/2005

Bartosz Krzysztof Wasilewski

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EXAMINER

DOAN, PHUOC HUU

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

03/19/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DOCKETING.LIBERTYVILLE@MOTOROLA.COM  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/534,394	<b>Applicant(s)</b> WASILEWSKI, BARTOSZ KRZYSZTOF	
	<b>Examiner</b> PHUOC H. DOAN	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim **20** is rejected under 35 U.S.C. 101 because  
the claimed invention is directed to non-statutory subject matter.

**Claims 20** recited “A data carrier containing programming code adapted to cause data processing apparatus to carry out a method of conditioning signal ” which is not directed to the type of subject matter eligible for patent protection. Benson, 409 U.S. at 71-72, 175 USPQ at 676; cf. Dihr, 450 U.S. at 187, 209 USPQ at 8. That are nonstatutory because the claims used with language “programming code “ that does not provide a transformation or physically in associated with software application to perform by devices or systems. That does not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized, as they are not “act” being performed. Therefore, the claimed invention is directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **12-20** are rejected under 35 U.S.C. 102(e) as being anticipated by **Antia (US Patent No: 6,347,124)**.

**As to claim 12, 16, 20**, Antia discloses a method of conditioning signal values being conveyed to a decoder **“Fig. 4 with description in DECODER function”** in a wireless-communications network participant (col. 5, lines 51-61), the method comprising scaling the values (col. 4, lines 55-67 **“three scale factor has selected to optimize the fading channel performance of the disclosed three bit soft decision scheme”**), monitoring the probability distribution of the amplitudes of the scaled values and using the information gained through the monitoring step to determine if the degree of scaling should be adjusted (col. 5, lines 10-45 **“monitoring step of scaling should be adjusted when the scale factor is decrease or increase based on the average signal magnitude in associated with**

**available range of soft decision values").**

**As to claim 13**, Antia further discloses a method according to claim 12, wherein the monitoring step comprises calculating a complementary cumulative probability density function for a signal value magnitude (see detailed in col. 5, lines 1-45 **"it is defined by a series of discrete ranges of bit signal value for scale factor based on the probability of density function of the average signal magnitude to vary the scaling of the quantization function in order to has the actual range of bit signal values within each burst which has been calculated by step of probability density function for a signal")**).

**As to claim 14, 18**, Antia further discloses a method according to claim 12, wherein the monitoring step comprises determining the fraction of a group of signal values that exceed a certain magnitude (col. 5, lines 35-40 **"if the average signal magnitude is high  $s > 0.7$ "**).

**As to claim 15, 19**, Antia further discloses a method according to claim 12, wherein the decoder is a 3G telecommunications bit-rate signal decoder (col. 3, lines 55-65, col. 6, lines 35-45 **"the soft decision bits are decoded by the decoder**

**64, and the bits associated with a given burst correspond to information received from a particular mobile device”).**

**As to claim 17**, Antia further discloses a participant according to claim 16, wherein the monitor is adapted to calculate a complimentary cumulative probability density function for a signal value magnitude (see detailed in col. 5, lines 1-45 **“it is defined by a series of discrete ranges of bit signal value for scale factor based on the probability of density function of the average signal magnitude to vary the scaling of the quantization function in order to has the actual range of bit signal values within each burst which has been calculated by step of probability density function for a signal”**).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, VINCENT HARPER can be reached on 571-272-7605.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUOC DOAN/  
Patent Examiner  
03/08/08

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